

REMARKS

A Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office ("Notification") was mailed to the undersigned on 13 July 2009. The Notification alleged that the Declaration was unsigned by the second inventor, Terry L. Saville.

Applicants respectfully disagree. On 31 March 2004, Applicants filed the parent PCT application, serial no. PCT/US04/09828, and that original filing included two signed Declarations. One of the Declarations included the signature of the first inventor, David Sembritsky. The other Declaration included the signature of the second inventor, Terry L. Saville.

The Declaration signed by Terry L. Saville can be viewed as of the filing of this paper using the USPTO's public PAIR system by viewing the image file wrapper for the parent PCT application (PCT/US04/09828). A screenshot of that image file wrapper page is submitted herewith. The link to the signed Declaration has been circled and labeled. Also submitted herewith is a copy of the signed Declaration as it appears when clicking on the link indicated on the enclosed screenshot.

Thus, the USPTO is clearly already in possession of the signed Saville Declaration that is being required by the Notification. Therefore, Applicants are not required to pay a surcharge for late submission of the signed Saville declaration.

In view of the above remarks, it is respectfully requested that the requirements for submission of a signed Saville declaration and payment of a surcharge for late filing of a signed declaration be reconsidered and withdrawn.

This Response is being filed via the USPTO's EFS-Web system. Accordingly, a copy of the Notification is not required to be submitted with this Response.

CONCLUSION

While no fees are believed to be necessary, the undersigned hereby authorizes the Director to charge any fees that may be required, or credit any overpayments, to **Deposit Account No. 502806**. If an extension of time is necessary for allowing this Response to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 502806**.

Respectfully submitted,

26 August 2009
Date

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Signed
Saville
Declaration

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| 03-31-2004 | P.N.101.ANX | (fee calculation sheet) | 1 | <input checked="" type="checkbox"/> | | |
| 03-31-2004 | SPEC | Specification | 5 | <input checked="" type="checkbox"/> | | |
| 03-31-2004 | CLM | Claims | 2 | <input checked="" type="checkbox"/> | | |
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